

SENATE BILL 1772

By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 2,
Chapter 10, relative to enacting the "Voters-
Choice Elections Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 10, is amended by adding the following sections as a new part thereto:

2-10-501. This part shall be known and may be cited as the "Voters-Choice Elections Act".

2-10-502. The purpose of this part is to ensure the vitality and fairness of democratic local elections in Tennessee, to the end that any eligible citizen of this state can realistically choose to seek and run for a local public office. This part establishes the Tennessee fair chance fund as an alternative source of campaign financing for candidates who obtain a sufficient number of qualifying contributions from registered voters and who voluntarily accept strict fund-raising and spending limits. This part is available to candidates for the mayoral and county legislative body in elections to be held in 2008 and thereafter. Candidates participating in this part must also comply with all other applicable election and campaign laws and rules. The registry of election finance shall administer this part and the Tennessee fair chance fund.

2-10-503. The Tennessee fair chance fund is established to finance the election campaigns of certified candidates for office and to pay administrative and enforcement costs of the registry related to this part. The fund is a special, dedicated, nonlapsing fund. Any interest generated by the fund is credited to the fund. The registry shall administer the fund.

2-10-504. Each county and municipality is hereby authorized to adopt a procedure for the public financing of candidates to local offices. Such procedures shall be adopted by a two-thirds vote of the legislative body to which such public financing will apply. Such procedures shall comply with all rules and regulations adopted by the registry pursuant to Section 2-10-505.

2-10-505. The registry is authorized to promulgate rules and issue opinions to effectuate the purposes of this part. Such rules shall include, but not be limited to, procedures for obtaining qualifying contributions, certification as a candidate under this part, addressing circumstances involving special elections, collection of revenues for the fund, distribution of fund revenue to certified candidates, return of unspent fund disbursements, and compliance with this part. The registry shall evaluate qualification thresholds and funding formulas and report those evaluations to the general assembly by April 1, 2009, and every two (2) years thereafter. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 3. The provisions of this act shall apply to any county having a metropolitan form of government with a population of more than five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census.

SECTION 4. This act shall also be effective in any county which votes to adopt the provisions of this act by a two-thirds (2/3) vote of the legislative body. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified to the secretary of state.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act applies to elections for mayor and local legislative bodies in 2010 and thereafter.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.